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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,585	08/29/2000	Iwao Inagaki	JP9-1999-0175US	1014

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/651,585

Applicant(s)

INAGAKI ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-15 are currently pending in this application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,363,434 to Eytchison.
4. As to claim 1, Eytchison teaches a client server system using distributed objects, comprising: a client connected to a communication network for performing an access request to an object (col. 6, line 64-col. 7, line 11); an application server for performing an application by an actual object according to the access request by said client (col. 6, line 64-col. 7, line 11, the proxies on the home server the application); and an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is part of said actual object (col. 7, lines 20-29, the resource manager pools representations of the proxy devices), wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server

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automatically updates said actual object management information according to the notification of said event from said application server (col. 7, lines 20-28).

5. As to claim 2, Eytchison teaches the client server system as set forth in claim 1, wherein the event notified from said application server is formed according to at least one of the result of a process of starting a project and the result of stopping a project (col. 7, lines 12-20).

6. As to claim 3, Eytchison teaches an object pool using distributed objects, comprising: a client request analyzing unit for analyzing an access request to an object (col. 7, lines 12-28); an object information storage unit for storing an object information at a termination process of said object pool (col. 7, lines 12-28); an object creating unit for creating an object at the starting process of said object pool according to said object information sorted by said object information storage unit; and an object managing unit for pooling the object created by said object creating unit before accessing said object from said client (col. 7, lines 12-28).

7. As to claim 4, Eytchison teaches an object pool as set forth in claim 3, wherein the object information stored by said object information storage unit is constructed so that it can be at least recognized to be the last accessed object, and said object creating unit starts creation from said last accessed object (col. 7, lines 12-28).

8. As to claims 5, 10, and 12, they feature the same limitations as claim 1 and are rejected for the same reasons as claim 1.

9. As to claim 6, Eytchison teaches the client server system as set forth in claim 5, wherein an object pool server having the function of said object pool and an application server in said application execution environment are connected to each other through an network, said object pool server objects as proxy objects (col. 7, lines 12-28).

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10. As to claim 7, Eytchison teaches the client server system as set forth in claim 5, wherein said object pool and said application execution environment are formed on the same server (col. 6, line 64-col. 7, line 11, the home server).

11. As to claims 8, 11, and 13, they feature the same limitations as claim 3 and are rejected for the same reasons as claim 3.

12. As to claim 9, Eytchison teaches the object pooling method of claim 8, wherein said object information is stored with a predetermined priority, and said objects are created in descending order with respect to said priority (col. 9, lines 40-56).

13. As to claim 14, Eytchison teaches a program sending apparatus, comprising: a storage unit for storing a software product which makes a computer execute an event forming program for forming an event according to a change in status of an application utilizing distributed objects, and an object pooling program for pooling objects according to the event formed by said event forming process (col. 7, lines 12-28); and a sending unit for reading out said program from said storage unit, and sending said software product (col. 7, lines 12-28).

14. As to claim 15, it features the same limitations as claim 14 and is rejected for the same reasons as claim 14.

### ***Response to Arguments***

15. Applicant's arguments filed 10/13/2005 have been fully considered but they are not persuasive. The applicant argues that: a) Eytchinson does not teach a client server system using distributed objects; b) Eytchinson does not teach an application server and an object pool server; c) Eytchinson does not disclose an object creating unit or an object managing unit.

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16. As to point a), the applicant's specification provides no details as to any real world applications to which the disclosure is directed leaving the terms "object" and "pooling" to be interpreted broadly. Eytchinson's invention is embodied on a home server so clearly it is a client server system and the devices can be considered distributed objects because they are not part of the server.

17. As to point b), there is nothing in the disclosure stating that the application server and the object pool server are embodied separately and the claim language merely states that the application server and the object pool server are "connected" so therefore it is interpreted that they can be embodied on the same entity, in this case the home server taught by Eytchinson. Specifically, the user application unit is considered the "application server" and the "resource manager is considered the "object pool server".

18. As to point c), the resource manager manages all of the data regarding the proxy objects and therefore creates handles for managing such objects.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,341,311 to Smith teaches a system wherein an application server (Lateral access proxy server array) pools proxy objects from object pool servers (the internet).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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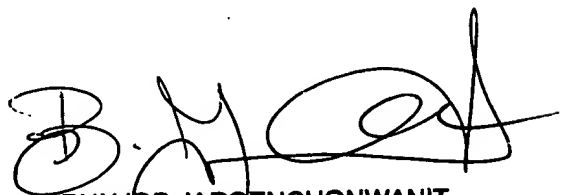
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

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